

# House File 2409 - Introduced

HOUSE FILE 2409  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 527)

## A BILL FOR

1 An Act relating to salaries and apportionment of judicial  
2 officers and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 602.1501, Code 2016, is amended by  
2 striking the section and inserting in lieu thereof the  
3 following:

4 **602.1501 Judicial salaries.**

5 The salaries of all judicial officers as defined in section  
6 602.1101 shall be set by the supreme court and paid from the  
7 general operating moneys appropriated to the judicial branch.

8 Sec. 2. Section 602.6113, Code 2016, is amended to read as  
9 follows:

10 **602.6113 Apportionment of certain judicial officers —**  
11 **substantial disparity.**

12 Notwithstanding [section 602.6201](#), [602.6301](#), [602.6304](#),  
13 [602.7103B](#), or [633.20B](#), if a vacancy occurs in the office of a  
14 district judge, district associate judge, associate juvenile  
15 judge, or associate probate judge, and ~~the chief justice of~~  
16 the supreme court makes a finding that a substantial disparity  
17 exists in the allocation of such judgeships and judicial  
18 workload between judicial election districts, the ~~chief justice~~  
19 supreme court may apportion the vacant office from the judicial  
20 election district where the vacancy occurs to another judicial  
21 election district based upon the substantial disparity finding.  
22 ~~However, such a judgeship shall not be apportioned pursuant~~  
23 ~~to [this section](#) unless a majority of the judicial council~~  
24 ~~approves the apportionment. [This section](#) does not apply to a~~  
25 ~~district associate judge office authorized by [section 602.6302](#)~~  
26 ~~or [602.6307](#).~~

27 Sec. 3. Section 602.6201, subsections 5, 6, 7, and 10, Code  
28 2016, are amended by striking the subsections.

29 Sec. 4. Section 602.6301, Code 2016, is amended by striking  
30 the section and inserting in lieu thereof the following:

31 **602.6301 Number and apportionment of district associate**  
32 **judges.**

33 The supreme court shall prescribe, subject to the  
34 restrictions of this section, a formula to determine the  
35 number of district associate judges serving in each judicial

1 election district. The formula shall be based on a model that  
2 measures and applies an estimated case-related workload formula  
3 of judicial officers, and shall account for administrative  
4 duties, travel time, and other judicial duties not related to a  
5 specific case.

6 Sec. 5. Section 602.6401, subsection 1, Code 2016, is  
7 amended to read as follows:

8 1. ~~Two hundred six magistrates~~ Magistrates shall be  
9 apportioned among the counties as provided in [this section](#).  
10 Magistrates appointed pursuant to [section 602.6303](#) or [602.6402](#)  
11 shall not be counted for purposes of [this section](#).

12 Sec. 6. Section 602.9104, subsection 1, paragraph a, Code  
13 2016, is amended to read as follows:

14 a. A judge to whom [this article](#) applies shall be paid an  
15 amount equal to the basic salary of the judge ~~as set by the~~  
16 ~~general assembly~~ reduced by an amount designated as the judge's  
17 required contribution to the judicial retirement fund. The  
18 amount designated as the judge's required contribution shall be  
19 paid by the state in the manner provided in [subsection 2](#).

20 Sec. 7. Section 602.9204, subsection 1, paragraph a, Code  
21 2016, is amended to read as follows:

22 a. A judge who retires on or after July 1, 1994, and who is  
23 appointed a senior judge under [section 602.9203](#) shall be paid a  
24 salary as determined by the ~~general assembly~~ chief justice of  
25 the supreme court.

26 Sec. 8. 2008 Iowa Acts, chapter 1191, section 14, subsection  
27 7, as amended by 2010 Iowa Acts, chapter 1193, section 26, is  
28 amended to read as follows:

29 7. The following are range 7 positions: administrator  
30 of the public broadcasting division of the department of  
31 education, director of the department of corrections, director  
32 of the department of education, director of human services,  
33 director of the department of economic development, executive  
34 director of the Iowa telecommunications and technology  
35 commission, executive director of the state board of regents,

1 director of transportation, director of the department of  
2 workforce development, director of revenue, director of  
3 public health, ~~state court administrator~~, director of the  
4 department of management, chief information officer, state debt  
5 coordinator, and director of the department of administrative  
6 services.

7 Sec. 9. REPEAL. 2013 Iowa Acts, chapter 140, section 40,  
8 is repealed.

9 Sec. 10. EFFECTIVE DATE. The following provision or  
10 provisions of this Act take effect July 1, 2017:

11 1. The section of this Act amending section 602.1501.

12 2. The section of this Act repealing 2013 Iowa Acts, chapter  
13 140, section 40.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with  
16 the explanation's substance by the members of the general assembly.

17 This bill relates to salaries and apportionment of judicial  
18 officers.

19 Currently, the salary for judicial officers is set by the  
20 general assembly by session law. The bill provides that the  
21 salaries of judicial officers shall be set by the supreme court  
22 and paid from the general operating moneys appropriated to the  
23 judicial branch. This provision takes effect July 1, 2017.

24 Currently, if a vacancy occurs in the office of a district  
25 judge, district associate judge, associate juvenile judge,  
26 or associate probate judge and the chief justice finds  
27 disparity in the allocation of such judicial officers, the  
28 chief justice may apportion the vacancy if a majority of the  
29 judicial council approves the apportionment. The bill changes  
30 the responsibility of finding disparity and apportioning  
31 the vacancy to the supreme court. The bill eliminates the  
32 requirement for approval by the judicial council.

33 Currently, the supreme court prescribes a formula to  
34 determine the number of district judges who will serve in a  
35 district, subject to certain restrictions. The bill eliminates

1 four such restrictions relating to the filling of vacancies  
2 including a restriction that the number of district judges  
3 shall not exceed 116.

4 Currently, the number and apportionment of district  
5 associate judges is provided based on population. The bill  
6 requires the supreme court to prescribe a formula determining  
7 the number of district associate judges serving in each  
8 judicial election district based on a model that measures and  
9 applies an estimated case-related workload formula of judicial  
10 officers and that accounts for administrative duties, travel  
11 time, and other judicial duties.

12 Currently, 206 magistrates are required to be apportioned  
13 among the counties. The bill eliminates the specific number of  
14 magistrates that must be apportioned.

15 The bill provides that the salary of a senior judge shall be  
16 determined by the chief justice of the supreme court.

17 The bill amends 2008 Iowa Acts, chapter 1191, section 14,  
18 which provides salary ranges for state officers by removing the  
19 position of state court administrator from the salary ranges.

20 The bill repeals 2013 Iowa Acts, chapter 140, section  
21 40, which relates to salaries for judicial officers. This  
22 provision takes effect July 1, 2017.